



SO ORDERED,

A handwritten signature in blue ink that reads "Katharine M. Samson".

Judge Katharine M. Samson
United States Bankruptcy Judge
Date Signed: August 24, 2018

The Order of the Court is set forth below. The docket reflects the date entered.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: BARRY D. HOWSE

CASE NO. 17-51686-KMS

DEBTOR

CHAPTER 7

**ORDER REQUIRING PARTIES TO
APPEAR AND SHOW CAUSE WHY GRANTEE SHOULD NOT BE JOINED**

This matter came on for hearing on the Objection to Exemptions by Business Property Lending Inc. ("BPL") (ECF No. 87) with amended response by Debtor Barry D. Howse (ECF No. 91). After the hearing, Debtor's counsel filed an amended Schedule C that partially resolved the Objection, leaving only one question for consideration: whether all the real property in which Howse claims a homestead exemption is entitled to that exemption under state law as applied in bankruptcy.

In its post-hearing brief, BPL alleges that before filing this case, Howse quitclaimed to his daughter, Brandi Taylor, a portion of the property he claims as homestead. *See* ECF No. 98 at 1; ECF No. 98-6. The Mississippi Supreme Court has held that Rule 19 of the Mississippi Rules of Civil Procedure requires the joinder of grantees before the court adjudicates the merits of a

homestead claim. *See Shows v. Watkins*, 485 So. 2d 288, 290-91 (Miss. 1986). Here, the analogous federal Rule applies:

(1) Required Party. A person who is subject to service of process and whose joinder will not deprive the court of subject-matter jurisdiction must be joined as a party if:

. . . .

(B) that person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may:

(i) as a practical matter impair or impede the person's ability to protect the interest

Fed. R. Civ. P. 19(a)(1)(B)(i) (made applicable in bankruptcy by Fed. R. Bankr. P. 7019).

IT IS THEREFORE ORDERED that Business Property Lending Inc. and Barry D. Howse shall appear on September 13, 2018, at 9:30 a.m. in the William M. Colmer Federal Building, Courtroom 1, 701 North Main Street, Hattiesburg, Mississippi, to show cause why Brandi Taylor should not be joined as a required party in this proceeding.

##END OF ORDER##